

Message Text

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PAGE 01 STATE 104406 TOSEC 040055
ORIGIN SS-15

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DRAFTED BY E:JEINHORN:PB

APPROVED BY E:JEINHORN

S/S - MR. GAMBLE

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FM SECSTATE WASHDC

TO USDEL SECRETARY IMMEDIATE

LIMITED OFFICIAL USE STATE 104406 TOSEC 040055

FOR UNDER SECRETARY COOPER FROM JESSICA EINHORN

E.O. 11652: N/A

TAGS: EGEN

SUBJECT: STATUS OF THE UNITED STATES INITIATIVE ON ILLICIT
PAYMENTS

1. THE FOLLOWING BRIEFING MEMORANDUM WAS PREPARED BY L
BUT INADVERTENTLY OMITTED FROM YOUR BRIEFING PACKAGE.

2. BEGIN TEXT: THE U.S. INITIATIVE FOR AN INTERNATIONAL
AGREEMENT ON ILLICIT PAYMENTS IS APPROACHING A CRITICAL
STAGE. THE UNITED NATIONS AD HOC WORKING GROUP WHICH WAS
CREATED LAST YEAR AT U.S. INSISTENCE IS PREPARING ITS
REPORT ON A POSSIBLE TREATY FOR PRESENTATION TO THE U.N.
ECONOMIC AND SOCIAL COUNCIL IN JULY. THE COUNCIL WILL
DECIDE WHETHER TO (A) TERMINATE THE EXERCISE, (B) ASK
THE WORKING GROUP TO CONTINUE ITS WORK, OR (C) CONVENE A
DIPLOMATIC CONFERENCE TO NEGOTIATE A TREATY.

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3. AFTER A SLOW START, THE AD HOC WORKING GROUP IN THE
U.N. HAS BEGUN SERIOUS SUBSTANTIVE DISCUSSIONS, AND IS
PREPARING DRAFT TREATY PROVISIONS (WHICH INCLUDE A GREAT
DEAL OF BRACKETED LANGUAGE) FOR PURPOSES OF DISCUSSION,
WITHOUT PREJUDICE TO GOVERNMENTS' POSITIONS ON THE
DESIRABILITY OF A TREATY. THIS IS ENCOURAGING PROGRESS.

4. HOWEVER, WE CONTINUE TO FACE OPPOSITION FROM TWO DIRECTIONS. A FEW DEVELOPING COUNTRIES HAVE NOT ACCEPTED THE NOTION OF A SPECIFIC TREATY ON BRIBERY WHICH IS SEPARATE FROM THE BROADER CODE OF CONDUCT FOR TRANSNATIONAL CORPORATIONS. IN ADDITION, SOME MAJOR DEVELOPED COUNTRIES (FRANCE, THE UNITED KINGDOM, WEST GERMANY, JAPAN AND ITALY) ARE QUIETLY OPPOSING ANY TREATY WHICH WOULD REQUIRE THEM TO REGULATE THEIR CORPORATIONS' CONDUCT IN THIS RESPECT. THIS RESISTANCE WILL EVENTUALLY PREVENT ANY POSITIVE ACTION IN THE UNITED NATIONS OR ELSEWHERE. WITHOUT THE DEVELOPED COUNTRIES' FULL PARTICIPATION, THERE CAN BE NO EFFECTIVE INTERNATIONAL ACTION.

5. THERE IS NEEDED, THEREFORE, A POLITICAL PUSH FROM THE PRESIDENT TO BREAK THIS RESISTANCE BEFORE THE JULY SESSION OF THE ECONOMIC AND SOCIAL COUNCIL. A TIMELY AND LOGICAL PLACE FOR THIS TO BE DONE WITH THE DEVELOPED COUNTRIES WOULD BE THE ECONOMIC SUMMIT. HENCE, OUR SUGGESTION THAT THE SUBJECT BE ADDRESSED IN THE SUMMIT COMMUNIQUE. APRIL 29, 1977. END TEXT. CHRISTOPHER

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Message Attributes

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Sent Date: 07-May-1977 12:00:00 am
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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Disposition History: n/a
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